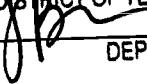


FILED

JAN 25 2018

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

W18CA024

PLAINTIFF, JOHN LAAKE,

) Case No. _____

vs.

) Amount Claimed: \$200,000

DEFENDANT, JOHN G. BINICKER.

) Return Date: _____

) DEMAND FOR JURY TRIAL

COMPLAINT

NOW COMES the Plaintiff, JOHN LAAKE, Pro Se herein, and for his complaint against JOHN G. BINICKER, under 28 U.S. Code § 4101(1) pertaining to slander, libel and defamation, states as follows:

I. PARTIES

1. John Laake, Plaintiff, is a resident of the county of Kane, within Illinois.
2. John G. Binnicker, Defendant, may be served at the following address:

4674 Highway 144, Walnut Springs, TX 76690.

II. JURISDICTION AND VENUE

3. This cause in controversy is within the jurisdictional limits of this Court, and venue is proper as the cause of action arose in the district of this Court within Texas.

III. FACTS AND CAUSES OF ACTION

A. Defamation Per Se

4. This is regarding false, baseless accusations which has been fabricated by Defendant Binnicker against Plaintiff Laake. Plaintiff has been slandered multiple times by the Defendant in violation of 28 U.S. Code § 4101(1).

The following events occurred in violation of the law:

5. In January 2017, Defendant Binnicker communicated with a person named Sean Bogart and made baseless defaming statements against Plaintiff Laake via text. Mr. Bogart, who is an acquaintance of Plaintiff Laake then contacted Plaintiff Laake on January 31, 2017 and advised him about the offensive texts, and forwarded them to him on February 8, 2017. Those text messages between Defendant Binnicker and Mr. Bogart are attached hereto as **Exhibit A**.
6. As shown in the attached text string provided to Plaintiff by Mr. Bogart, which are more specifically, Defendant Binnicker's messages to Mr. Bogart that state, in part:

“... I called him [Plaintiff Laake] a child molester”

“Told Ashley mom he [Plaintiff Laake] is on a sex offender list”

7. It is self-evident upon their face that these texts of Defendant Binnicker extremely disparaged, defamed and slandered the Plaintiff.
8. Defendant Binnicker, by his slander and defamation per se, has harmed Plaintiff Laake's reputation and Plaintiff's self-employed business. Defendant Binnicker has lied repeatedly to other people prior to this about Plaintiff Laake verbally and in writing on social media. Plaintiff Laake has another lawsuit pending against Defendant Binnicker in the Justice of the Peace Court in Tarrant County, Case No. SC-8668 pertaining to highly egregious slander made by Defendant against the Plaintiff. Since that lawsuit was filed, the Plaintiff became aware of further highly egregious slander made against him by Defendant Binnicker in the form of the aforesaid text messages to Sean Bogart. That is now the topic of *this* lawsuit.

9. Plaintiff Laake runs a tarot/psychic freelance business. Plaintiff lost clients through the baseless actions of Defendant. Defendant has damaged Plaintiff's livelihood by his false and slanderous accusations. The loss in earnings and reputation of Plaintiff Laake is inestimable. As

shown in the U.S. Department of Justice National Sex Offender database, Plaintiff Laake is **not in the federal sex-offender database. (Exhibit B).**

10. Plaintiff Laake is extremely perplexed by the actions on the part of Defendant Binnicker.

Plaintiff Laake has no idea why such lies have been spread against him by Defendant Binnicker.

11. Not only is Defendant's slander activity offensive, reprehensible, heinous and egregious, **it is illegal, wrong and punishable by law.** The Texas Constitution states in Article 1, Section 8 that every person is responsible for the *abuse* of their liberty to speak and write.

12. Furthermore, the Texas Constitution states in Article 1, Section 13:

All courts shall be open, and every person for an **injury done him**, in his lands, goods, person **or reputation**, **shall have remedy by due course of law.**

(Tex. Const. art. I § 13) [emphasis added].

13. Plaintiff Laake is most definitely entitled to a just remedy at law for the utterly false and extremely egregious accusations and slander abuse that Defendant Binnicker has libeled him with, and for the damage that Defendant Binnicker has inflicted upon Plaintiff Laake by his slander and complete falsities.

14. In the case of *Joseph E. Hancock v. Easwaran P. Variyam*, which went to the Texas Supreme Court (Case No. 11-0772), a physician sued another physician for spreading libel against him, and for harming his business and reputation, by sending letters to his colleagues and other people, accusing him of lacking veracity and lying. The physician who was harmed by the libel was awarded \$90,000 by the court in actual damages for mental anguish and loss of reputation, and another \$85,000 in exemplary damages. Clearly, the court took this case very seriously, indeed.

15. In the instant case, Plaintiff Laake's business is also being harmed, in addition to his reputation being damaged by Defendant Binnicker's slanders, resulting in significant economic

loss to Plaintiff Laake. Plaintiff Laake is further entitled to recover special damages from Defendant Binnicker for his losses. The actual economic loss to Plaintiff Laake by Defendant Binnicker's libel is inestimable. It is impossible to know the actual definitive monetary damage that Defendant's lies and slander have caused Plaintiff Laake.

16. The extreme emotional and mental trauma and resultant damages inflicted upon the Plaintiff by the Defendant's libel and slander are not easily quantified.

17. A statement is considered to be defamatory if it is found to "harm the reputation of another as to lower him in the estimation of the community or to deter third persons from associating or dealing with him." (Restatement of Torts (2D) § 559 (1977)).

18. Defendant Binnicker's slanderous activity against Plaintiff Laake amounts to *defamation per se*. A statement constitutes defamation per se if it "injures a person in his office, profession, or occupation." (*Tex. Disposal Sys. Landfill, Inc. v. Waste Mgmt. Holdings, Inc.*, 219 S.W.3d 563, 581 (Tex.App.-Austin 2007)). Clearly, Defendant Binnicker has, in the same way, defamed Plaintiff Laake through the slanders he has fabricated and spread against the Plaintiff.

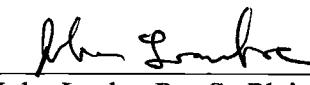
19. Plaintiff cannot begin to truly fathom why the Defendant would fabricate such heinous falsities and outright lies against him.

IV. REQUEST FOR RELIEF

WHEREFORE, Plaintiff Laake hereby respectfully petitions this honorable court and seeks herein a remedy for damages in the amount of \$200,000 for the punitive, exemplary, and special damages which equal the trauma, loss of reputation, anguish and extreme mental and emotional distress that Defendant Binnicker's slanders and defamation has caused against and inflicted upon Plaintiff Laake.

Date: January 23, 2018

Respectfully submitted,


John Laake, Pro Se Plaintiff
469 Grand Ave.
Aurora, IL 60506
Ph: (708) 352-0424
Email: wolfloki@yahoo.com

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

PLAINTIFF, JOHN LAAKE,

vs.

DEFENDANT, JOHN G. BINNICKER.

) Case No. _____

) Amount Claimed: \$200,000

) Return Date: _____

) **DEMAND FOR JURY TRIAL.**

JURY DEMAND

Plaintiff demands trial by jury.

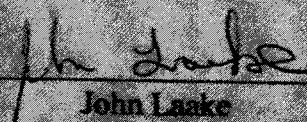

John Laake

Exhibit A

John Binnicker



I got a email from Laake lol.. he wants to sue me lol



I told him to go have intercourse with himself. Lol

Why



Because I called him a child molester

Oh shit



Lol good luck to him

When was this



Dec

He won't sue and if he did he couldn't win

Aa



Write a message...



John Binnicker

Active 26 minutes ago



Cheap punk, he hides behind fb



But lots of luck to him! It's a bitch finding me in Stephens Co

How do you sue someone over that

It's not public



Can't, and he will need to pay a constable to serve me and a attorney to take his case. Lol it ain't happenin

What is this all over



0:19



Told Ashley mom he is on a sex offender list



0:21

Aa



Write a message...



Exhibit B

4/16/2017

NSOPW Print View

National Sex Offender Search Results

13 records from a national search including all states, territories and Indian Country for First Name like ***John***, Last Name like ***Laake***

Search performed 4/16/2017 6:06 PM EDT

Offender	Age	Aliases	Address
ESTRADA, DAMON			<ul style="list-style-type: none"> • N/A N/A, N/A N/A PRIMARY
HASKINS, JAMES WILLIE			<ul style="list-style-type: none"> • N/A N/A, N/A N/A PRIMARY
LACY, JOHN RUSSELL			<ul style="list-style-type: none"> • N/A WILLIAMSTON, NC 27892 MARTIN PRIMARY
LAUCUS, JAMES JOHN JR			<ul style="list-style-type: none"> • N/A N/A, N/A N/A PRIMARY

4/16/2017

NSOPW Print View

Offender	Age	Aliases	Address
LEACH, JOHN THOMAS			<ul style="list-style-type: none"> • N/A SPENCER, NC 28159 ROWAN PRIMARY
LOCK, JOHN WAYNE JR			<ul style="list-style-type: none"> • N/A N/A, N/A N/A PRIMARY
LOCKE, JOHN DAVIS			<ul style="list-style-type: none"> • N/A N/A, N/A N/A PRIMARY
LOUCKS, JAMES KENNETH			<ul style="list-style-type: none"> • N/A N/A, N/A N/A PRIMARY
LUCAS, EUSEBIO			<ul style="list-style-type: none"> • N/A N/A, N/A N/A PRIMARY

4/16/2017

NSOPW Print View

Offender	Age	Aliases	Address
LUCAS, JOHN LEE			<ul style="list-style-type: none"> • N/A RALEIGH, NC 27604 WAKE PRIMARY
LUCAS, JOHNNY EDWARD JR			<ul style="list-style-type: none"> • N/A CLINTON, NC 28328 SAMPSON PRIMARY
LUCE, JAMES WESLEY			<ul style="list-style-type: none"> • N/A N/A, N/A N/A PRIMARY
LUCIO, JUAN RAUL			<ul style="list-style-type: none"> • N/A N/A, N/A N/A PRIMARY

RECEIVED

JAN 25 2018

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

January 23, 2018

Clerk of the Court
U.S. District Clerk's Office
800 Franklin Ave., Room 380
Waco, Texas 76701

Re: *John Laake vs. John G. Binnicker*

Dear Clerk,

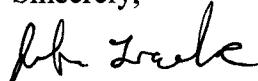
Please file the enclosed documents:

1. Summons;
2. Civil Cover Sheet;
3. Complaint; and
4. Application to proceed informa pauperis.

Please return stamped copies to me in the enclosed envelope.

Thank you very much.

Sincerely,



John Laake
469 Grand Avenue
Aurora, IL 60506
Ph: (708) 352-0424
Email: wolfloki@yahoo.com

Encls.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

JOHN LAAKE

(b) County of Residence of First Listed Plaintiff Kane
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
John Laake, Pro Se Plaintiff
469 Grand Ave.
Aurora, IL 60506

DEFENDANTS

JOHN G. BINNICKER

County of Residence of First Listed Defendant Bosque
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

W18CA024

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	REAL PROPERTY CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
				FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
---	---	--	---	--	--	---

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S. Code § 4101(1) Defamation

VI. CAUSE OF ACTION

Brief description of cause:

Plaintiff seeks remuneration for damages caused by Defendant's libel and slander.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P. **DEMAND \$ 200,000.00** **CHECK YES only if demanded in complaint:**
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

01/23/2018

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

John Laake - PRO-SE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 - United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 - Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.
 - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 - Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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